

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4-9, 21-23, and 29-35 were pending in this application. Claims 21-23 are withdrawn from consideration. Claim 33 has been amended to make a minor grammatical correction, which does not affect the scope of that claim. Applicants submit claims 1, 4-9, and 29-35 for reconsideration.

Claims 1, 4-9, and 29-35 are rejected under 35 USC §103(a) as unpatentable over Verbeek (U.S. Patent No. 5,938,285) in view of Warner, Jr. et al. (U.S. Patent No. 5,836,650). In rejecting these claims, the Office concedes that Verbeek fails to show the use of a release mechanism that includes a handle that is moved to disengage the latch from the notch. The Office, however, asserts that “Warner teaches the use of a release mechanism (15) [and] includes a handle that is moved to disengage the latch from the notch; wherein the latch is biased (55) toward the engagement.” The Office further asserts that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify the child seat [of Verbeek] with a release mechanism as taught by Warner, in order to adjust the child seat.” Applicant traverses this rejection for at least the following reason.

Claim 1 defines a child seat that includes, among other things, “a release mechanism to enable the latch to unlock from the notch.” As conceded by the Office, Verbeek does not teach or suggest such a release mechanism. The Office states that it would have been obvious to modify Verbeek’s child seat with the release mechanism of Warner, Jr. et al. in order to adjust the child seat. Applicant disagrees.

There would have been no motivation to modify the Verbeek child seat to include a release mechanism to adjust the child seat. Verbeek’s child seat does not require a release mechanism for adjustment. In fact, Verbeek’s child seat relies on a cyclical, “easy to operate” sequence of lifting the backrest 32 (and the backrest bracket 36) upwardly, then pushing it downwardly to its lowest extent, and then moving it upwardly to select the desired relative height location. See Verbeek, col. 7, lines 45-49. Verbeek’s height adjustment mechanism is

self-contained, “enabling the height of the backrest to be selected, by pulling upon the backrest.” There is no need for a release mechanism such as Warner, Jr. et al.’s plunger 25, or, for that matter, any other release mechanism.

Because there would have been no reason to modify the Verbeek child seat in the manner asserted by the Office, Applicant requests withdrawal of the rejection of claims 1, 4-9, and 29-33 under 35 USC §103(a).

Claim 34 defines a child seat that includes, among other things, “a release mechanism adapted to allow the latch to unlock from the selected notch to enable movement of the latch upward or downward to another notch adjacent the selected notch.” As explained above in connection with claim 1, contrary to the assertion of the Office, there would have been no reason to make a modification to the Verbeek child seat to include a release mechanism.

Moreover, even if the Verbeek child seat were modified to include a release mechanism, such a release mechanism would not “allow the latch to unlock from the selected notch to enable movement of the latch upward or downward to another notch adjacent the selected notch,” as required by claim 34. Verbeek’s height adjustment mechanism allows movement of the latch upward, but *not downward*, to another notch adjacent the selected notch. The Office has not explained how the addition of a release mechanism to Verbeek’s child seat would cure this deficiency of Verbeek.

For at least these reasons, Applicant requests withdrawal of the rejection of claims 34 and 35 under 35 USC §103(a).

Finally, should claim 1 be allowed, Applicant requests that currently withdrawn claims 21-23 be considered by the Examiner.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 CFR 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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